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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/777,250	02/05/2001	Benjamin E. Felts III	01CON202P	2356

25700 7590 06/09/2004

FARJAMI & FARJAMI LLP
26522 LA ALAMEDA AVENUE, SUITE 360
MISSION VIEJO, CA 92691

EXAMINER

KOSTAK, VICTOR R

ART UNIT	PAPER NUMBER
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2614

DATE MAILED: 06/09/2004

10

Please find below and/or attached an Office communication concerning this application or proceeding.

7

Office Action Summary

Application No.

09/777,250

Applicant(s)

FELTS, BENJAMIN E.

Examiner

Victor R. Kostak

Art Unit

2614

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 26 May 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,3-20,22-30 and 32-39 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,3-20,22-30 and 32-39 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Art Unit: 2614

1. Applicant's arguments based on the Oakley patent have been considered but are moot in view of the new ground(s) of rejection prompted by the amendment.

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1, 3-20, 22-30 and 32-39 are now rejected under 35 U.S.C. 103(a) as being unpatentable over Mizutani et al. (made of record in a previous Office action).

The conversion system of Mizutani (noting Fig. 1) involves a scanning line convertor 20 that scales an incoming video signal having a first format (examples of VGA and SVGA given in col. 1 lines 43-46), according to a conversion ratio determined by controller 80. Convertor 20 receives an input at a first frequency F_i and outputs the scaled signal comprising a second plurality of lines at the same frequency F_i , as shown. Memory 30 receives the second plurality of lines at the F_i frequency and outputs a signal that is both vertically and horizontally scaled (e.g. col. 4 lines 56-67; col. 5 lines 26-43) and outputs the doubly-scaled video signal at a frequency F_o . The output of memory 30 can be considered as being in a first format.

Because Mizutani does not specify what kind of memory element 30 is, he thereby implicitly allows the skilled artisan to incorporate any suitable kind, which does not exclude FIFO types. Secondly, since the video signal is a serial signal (i.e. a composite continuous stream), it would have been obvious to one of ordinary skill in the art to use a FIFO because the

Art Unit: 2614

output sequence would thereby be commensurate with the incoming sequence, presenting the converted video stream in the order in which it was received.

Moreover, Mizutani points out that although he describes his conversion as involving an SVGA to an NTSC format as an example, any format may be converted into any other format (col. 6 lines 44-55). In view of this explicit allowance, it would have been obvious to convert an SVGA format into another for eventual conversion by the output NTSC component 50, such as a different SVGA version as the first format, Mizutani already disclosing SVGA, thereby meeting claims 1, 11, 20 and 30.

As for claims 3, 12, 22 and 32, NTSC encoder 50 functions as the claimed modulator/timing generator that converts the first format video signal ultimately into an NTSC format (thereby requiring modulation and timing conversion).

As for claims 4, 13, 23 and 33, as noted above, Mizutani allows for any formats to be involved in format conversion, including high resolution SVGA, which would have been obvious to assign as the first format.

Regarding claims 5, 14, 24 and 34, the second format is in NTSC format (output of element 50).

As for claims 6, 15, 25 and 35, as discussed above, it would have been obvious to have the first format in SVGA mode as allowed by Mizutani, and the eventual output mode is in NTSC format.

Considering claims 7, 16, 26 and 36, it would have been obvious to one of ordinary skill in the art to have the timing conditions of the first and second frequencies result in being related by an integer since Mizutani allows for multiple input and output formats (and therefore multiple

Art Unit: 2614

parameters) to be applied, moreover in view of the fact that some of the parameters of computer formats and television formats are integrally related (e.g. 60 Hz frame rate, high definition TV having computer-related line counts, etc).

As for claims 8, 17, 27 and 37, it would have been obvious to account for conditions that may involve non-integer conversion factors (such as involving line counts from VGA or SVGA to NTSC lines, as well as different pixel counts per respective format), thereby necessarily providing the output frequency as a non-integer ratio of the input frequency.

As for claims 9, 18, 28 and 38, it would have been obvious to apply synchronous clocking when conversion formats are related (it is emphasized that Mizutani allows for conversion of any format into any other

As for claims 10, 19, 29 and 39, it would also have been obvious to have the first and second clocks asynchronous, which would thereby accommodate frequencies that are not fractionally related, and which would also enable conversion to be done in a less rigid manner and at a rate not directly related to the input rate. Such is shown in the instance involving VGA and NTSC formats where separate clocks are applied from separate sources.

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Victor R. Kostak whose telephone number is 703 305-4374. The examiner can normally be reached on Monday - Friday from 6:30am-3:00pm.

Art Unit: 2614

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John W. Miller can be reached on 703 305-4795. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Any response to this action should be mailed to:

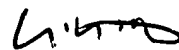
Commissioner of Patents and Trademarks
Washington, D.C. 20231

Or faxed to:

(703) 872-9306 (for Technology Center 2600 only)

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA., Sixth Floor (Receptionist).

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Technology Center 2600 Customer Service Office whose telephone number is (703) 308-HELP.



Victor R. Kostak
Primary Examiner
Art Unit 2614

Application/Control Number: 09/777,250

Page 6

Art Unit: 2614

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